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6 Attorneys for Defendant
WALMART INC.

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10
11 LEONARDO ANTOLIN,
12 Plaintiff,

13 v.

14 WALMART INC., a business entity
form unknown; WALMART
15 STORES INC.; and DOES 1-100,
inclusive,

16 Defendants..
17

CASE NO.: 2:22-cv-06452

**NOTICE OF REMOVAL OF
ACTION PURSUANT TO 28 U.S.C.
SECTIONS 1332 AND 1441(a) and
(b)**

Courtroom:
District Judge:
Magistrate Judge:
Complaint Filed: February 2, 2022
Trial Date:

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19 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

20 PLEASE TAKE NOTICE that Defendant WALMART INC. ("Walmart"), by
21 and through its counsel, hereby removes the above-entitled action filed by Plaintiff
22 LEONARDO ANTOLIN ("Plaintiff") in the Superior Court of the State of
23 California, County of Los Angeles, Case No. 22STCV04125 to the United States
24 District Court, Central District of California pursuant to 28 U.S.C. §1441, and
25 respectfully alleges as follows:

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1 1. On February 2, 2022, an action was commenced in the Superior Court
2 of the State of California, County of Los Angeles, entitled *Leonardo Antolin v.*
3 *Walmart Inc.*, Case Number 22STCV04125 (“the State Action”). A copy of the
4 complaint filed in the State Action is attached hereto as **Exhibit 1**.

5 2. Walmart was served with a copy of the complaint filed in the State
6 Action and a summons from the State Court on April 26, 2022. A copy of the
7 summons is attached hereto as **Exhibit 2**.

8 3. Based on a review of the State Court file as of September 8, 2022, no
9 other Defendant has been served with any summons or complaint in the State
10 Action.

11 4. Plaintiff’s complaint purports to assert causes of action for Premises
12 Liability.

13 5. The complaint seeks to recover for general damages, medical and
14 related expenses, loss of income, interest, and costs. (Exhibit 1, pg. 3 ¶25-28, pg. 4.
15 ¶1-4.)

16 **DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332 (A)**

17 6. This Court has jurisdiction over this matter under 28 U.S.C. § 1332 (a)
18 (1), because there is complete diversity as the parties are citizens of different states,
19 and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.
20 Removal is therefore proper pursuant to 28 U.S.C. §§ 1441 (a) and (b).

21 7. On June 14, 2022, Defendant propounded Request for Admission on
22 Plaintiff (set one). (**Exhibit 3**).

23 8. On August 11, 2022, Plaintiff provided verified responses to
24 Defendant’s Request for Admission (set one). (**Exhibit 4**).

25 9. Plaintiff admits that he is a citizen of the state of California. (*See*
26 *Exhibit 4 No. 42*). Defendant is informed and believes that Plaintiff is a citizen of
27 California.

28 10. Plaintiff admits that the amount in controversy exceeds \$75,000. (*See*

1 Exhibit 4 No. 43). Defendant is informed and believes that the amount in
2 controversy exceeds \$75,000.

3 11. Walmart is a citizen of Delaware where it is incorporated, and of
4 Arkansas, where it holds its principal place of business (in Bentonville, Arkansas).
5 Copies of Walmart's corporate information from the California Secretary of State
6 Business Search and the Arkansas Secretary of Business/Commercial Services are
7 attached hereto as **Exhibits 5 and 6**, respectively.

8 12. Because the State Action is pending in the Superior Court of California
9 in and for the County of Los Angeles, removal of this action to this District Court is
10 proper under 28 U.S.C. section 1441 (a).

11 13. Removal is timely under 28 U.S.C. section 1446 (b) because this
12 Notice of Removal is filed within 30 days of Walmart receiving Plaintiff's
13 responses to Requests for Admission (set one) that revealed for the first time that
14 the amount in controversy exceeds \$75,000 and that Plaintiff is a citizen of
15 California.

16 14. Written notice of the filing of this Notice of Removal will be promptly
17 served on Plaintiff. A true and correct copy of this Notice of Removal and the
18 concurrently-filed Notice of Interested Parties and Civil Cover Sheet will be filed
19 with the Clerk of the Superior Court of the State of California in and for the County
20 of Los Angeles as soon as practicable.

21 WHEREFORE, Walmart requests that the above-entitled action be removed
22 from the Superior Court of the State of California, County of Los Angeles, to this
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1 District Court.

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3 **PETTIT KOHN INGRASSIA LUTZ & DOLIN PC**

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5 Dated: September 9, 2022

By: s/ Michael F. Colbert

Martin Moreno, Esq.

Michael F. Colbert, Esq.

Attorneys for Defendant

WALMART INC.

mmoreno@pettitkohn.com

mcolbert@pettitkohn.com

CERTIFICATE OF SERVICE

I hereby certify that the following document(s):

NOTICE OF REMOVAL OF ACTION PURSUANT TO 28 U.S.C. SECTIONS 1332 AND 1441(a) and (b)

was/were served on this date to counsel of record:

☐ **BY MAIL:** By placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address(es) listed below.

☒ **BY E-MAIL DELIVERY:** Based on an agreement of the parties to accept service by e-mail or electronic transmission, I sent the above document(s) to the person(s) at the e-mail address(es) listed below. I did not receive, within a reasonable amount of time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

☒ **BY ELECTRONIC TRANSMISSION:** I electronically filed the above document(s) with the Clerk of the Court using the CM/ECF system. The CM/ECF system will send notification of this filing to the person(s) listed below.

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LEONARDO ANTOLIN

Executed on **September 9, 2022** at Los Angeles, California.



Shraddha Friend